

HOUSE No. 1912

By Ms. Khan of Newton, petition of Kay Khan and others relative to establishing a citizen review board to study, review and report on activities of the Department of Correction. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Kay Khan	Ellen Story
Robert S. Creedon, Jr.	Gloria L. Fox
Ruth B. Balser	Frank I. Smizik
Dianne Wilkerson	Benjamin Swan
Anne M. Paulsen	Shirley Owens-Hicks
Richard T. Moore	J. James Marzilli, Jr.
Patricia D. Jehlen	Deborah D. Blumer
Brian Knuuttila	Jay R. Kaufman
Elizabeth A. Malia	Cory Atkins
Douglas W. Petersen	Joyce A. Spiliotis
Byron Rushing	Susan Fargo
Thomas M. Stanley	Kathleen M. Teahan

In the Year Two Thousand and Five.

AN ACT ESTABLISHING A CITIZEN REVIEW BOARD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Notwithstanding any general or special law to the
- 2 contrary, there shall be a Correction Citizen Review Board. Said
- 3 Board shall consist of seventeen members, including three mem-
- 4 bers appointed by the Speaker of the House of Representatives, at
- 5 least two of whom shall be members of the House of Representa-
- 6 tives, three members appointed by the Senate President, at least
- 7 two of whom shall be members of the Senate, three members
- 8 appointed by the Governor including the commissioner of the
- 9 department of public health, the secretary of public safety and the

10 chairperson of the parole board, one member appointed by the
11 Massachusetts Sheriff's Association, one member appointed by
12 the Chief Justice of the Supreme Judicial Court, two members
13 appointed by the Massachusetts Correctional Officers Federated
14 Union, one member appointed by Massachusetts Correctional
15 Legal Services, one member appointed by the inspector general,
16 one member appointed by the Women's Bar Association and one
17 member appointed by the Victim Witness Program.

18 The terms of the members appointed to said Board by the
19 Speaker of the House of Representatives and the Senate President
20 shall be for three years. The terms of the members appointed to
21 said Board by the Massachusetts Sheriff's Association, the Massa-
22 chusetts Correctional Officers Federated Union and the Massachu-
23 setts Correctional Legal Services shall be for two years and, at the
24 expiration of the first two-year term of the first members
25 appointed by the Massachusetts Sheriff's Association, the Massa-
26 chusetts Correctional Officers Federated Union and the Massachu-
27 setts Correctional Legal Services, for three years thereafter. The
28 terms of the members appointed to the board by the Chief Justice
29 of the Supreme Judicial Court, the Victim and Witness Program,
30 the inspector general and the Women's Bar Association shall be
31 for 1 year and, at the expiration of the first one-year term of the
32 first members appointed by the Chief Justice of the Supreme Judi-
33 cial Court, the Victim and Witness Program, the inspector general
34 and the Women's Bar Association, for three years thereafter.

35 No member of said Board shall be appointed to serve more than
36 two consecutive three-year terms. Said Board shall annually elect
37 a chairperson. Members of said Board shall receive no compensa-
38 tion but each member shall be reimbursed by the Commonwealth
39 for necessary expenses incurred in the performance of his or her
40 official duties. Said Board shall adopt bylaws to govern its own
41 proceedings.

1 SECTION 2. Members of Correction Citizen Review Board
2 shall have access to all Massachusetts Correctional Institutions
3 and all inmates therein upon furnishing a photo identification pro-
4 vided by the Executive Office of Public Safety between the hours
5 of 7 am and 7 pm and upon 48 hours notice to the Commissioner
6 of the Department of Corrections, between the hours of 7 pm and
7 7 am.

1 SECTION 3. The Correction Citizen Review Board shall have
2 the following duties:

3 (a) It shall study the medical services, including mental health
4 and substance abuse treatment services, and educational, voca-
5 tional, employment and rehabilitation programs available to pris-
6 oners;

7 (b) It shall review the annual plans and the budget of the
8 Department of Correction and shall make recommendations to the
9 House and Senate Committees on Ways and Means and the Joint
10 Committee on Public Safety in regard thereto;

11 (c) It shall report on the general state of correctional facilities,
12 their administration of correctional policy and practices, the living
13 conditions of inmates therein, the general state of working condi-
14 tions for Department of Correction employees and, where appro-
15 priate, the impact of Department of Correction policies and inmate
16 living conditions upon rates of recidivism and over-classification;

17 (d) It shall hold quarterly meetings;

18 (e) It shall advise the Commissioner of the Department of Cor-
19 rection on policy development and priorities for Department of
20 Correction facilities as well as on the Department's compliance
21 with legislative and judicial mandates;

22 (f) It shall issue public reports annually to the Department of
23 Correction and the clerks of the House of Representatives and the
24 Senate;

25 (g) It shall report annually on the staffing of Unit 4 positions,
26 so called, in each state correctional institution. Such report shall
27 include, but not be limited to, the following: The number of Unit 4
28 positions broken down by correctional institution, and the number
29 of Unit 4 positions vacant; the number of Unit 4 positions lost to
30 retirement, discharge or resignation and the number that have
31 been replaced; a breakdown by correctional facility of the staff
32 hours of overtime worked by Unit 4 personnel and the annual
33 aggregate costs related to this overtime; the number of reported
34 assaults upon Unit 4 personnel; the number of Unit 4 personnel
35 out on industrial accident leave, and for each individual, the
36 length of time on leave.

1 SECTION 4. This act shall expire on January 1, 2012.